

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ON THE MOVE, INC.,

Plaintiff,

v.

TRUCKNOLOGY, INC. A/K/A THE BRONX TRUCK
RENTAL CORP and EUGENE GREENBAUM,

Defendants.
----- X

~~DRAFT~~ DAB 5/14/08
: 08 Civ. 2533 (DAB) (JCF)

: **ORDER CONFIRMING**
: **ORDERS OF SEIZURE**

Batts, D.J.

Plaintiff On The Move, Inc. ("OTM") commenced this action by filing a Summons and Complaint on March 13, 2008.

On April 10, 2008, OTM moved pursuant to Fed. R. Civ. Pro. 64 and N.Y. CPLR § 7102 for an *ex parte* Order of Seizure and Temporary Restraining Order respecting certain chattel, that is 49 trucks (the "Trucks"), based on the affidavit of Mark A. Ulfig, President and Chief Executive Officer of OTM, sworn to April 7, 2008, the exhibits attached thereto, and the accompanying Memorandum of Law dated April 10, 2008.

On April 10, 2008, the Court issued an *ex parte* Order of Seizure and Temporary Restraining Order (the "April 10 Order of Seizure"), conditioned on OTM's filing an undertaking in the amount of \$855,050 (the "Undertaking").

On April 17, 2008, OTM filed the Undertaking with the Court.

On April 24, 2008, OTM moved for an additional *ex parte* Order of Seizure respecting the Trucks, based on its prior submissions and the Undertaking, and the affidavit of Karen S. Frieman, sworn to April 24, 2008, and the exhibits annexed thereto.

On April 24, 2008, the Court issued the additional *ex parte* Order of Seizure and Temporary Restraining Order (with the April 10 Order of Seizure, the "Orders of Seizure").

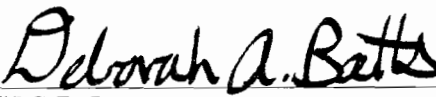
On April 25, 2008, pursuant to the Orders of Seizure and under the authority, supervision and with the assistance of the United States Marshal for the Southern District of New York, OTM seized 34 of the Trucks, and on April 29, 2008, defendants delivered one additional Truck.

On April 30, 2008, that is within 5 days of seizure of the Trucks, OTM made a motion pursuant to Fed. R. Civ. Pro. 64 and N.Y. CPLR 7102(d)(4) to confirm the orders of seizure based upon the affidavit of Mark A. Ulfig, who is, as stated, the President and Chief Executive Officer of OTM, sworn to April 29, 2008, and the exhibits attached thereto.

Based upon its review of OTM's submissions, and upon all the pleadings, proceedings and submissions heretofore had herein, the Court grants OTM's motion for an Order pursuant to Fed. R. Civ. Pro. 64 and N.Y. CPLR 7102(d)(4) and (a) hereby confirms the Orders of Seizure and (b) directs the custodian or substitute custodian to deliver the Trucks seized on April 25, 2008 to OTM.

Dated: May 14, 2008
New York, New York

SO ORDERED:



U.S.D.J.